

<b>UNITED STATES BANKRUPTCY COURT</b> <b>DISTRICT OF NEW JERSEY</b> Caption in Compliance with D.N.J. LBR 9004-2(c)	
<b>Robertson, Anschutz, Schneid, Crane &amp; Partners, PLLC</b> 130 Clinton Road, Lobby B, Suite 202 Fairfield, NJ 07004 Telephone: 973-575-0707 Facsimile: 973-404-8886 Attorneys For Secured Creditor	
<b>In Re:</b>  <b>Salvatore L Salzarulo,</b>  <b>Debtor.</b>	Case No.: 23-14292-MBK  Chapter: 13  Hearing Date: September 27, 2023  Judge: Michael B. Kaplan

**LIMITED RESPONSE TO DEBTOR’S MOTION TO SELL PROPERTY FREE AND CLEAR OF LIENS UNDER SECTION 363(F)**

U.S. Bank Trust Company, National Association, As Trustee, As Successor-In-Interest To U.S. Bank National Association, As Trustee, Successor In Interest To Wachovia Bank, National Association, As Trustee For MASTR Asset Securitization Trust 2003-11 Mortgage Pass Through Certificates, Series 2003-11 (“Secured Creditor”), by and through undersigned counsel, hereby files its Limited Response to Debtor’s Motion to Sell Property Free and Clear of Liens under Section 363(f) (Docket 43) (hereinafter the “Motion”) and, in support thereof, states as follows:

1. Salvatore L Salzarulo (“Debtor”) filed the instant Chapter 13 Petition on May 19, 2023 (the “Petition Date”).
2. Secured Creditor holds a security interest in the Debtors’ real property located at 78 Vail Lane, Watchung, New Jersey 07069 (the “Property”) by virtue of a Mortgage in the principal amount of \$525,000.00, dated February 25, 2003 and recorded in the Office of the Clerk/Register of Deeds for Somerset County on March 11, 2003 in Book 5317, at Page 2718-2735 (the “Mortgage”).
3. On October 17, 2022, Secured Creditor timely filed its Proof of Claim (See Claim No. 10-1). The Proof of Claim reflects that as of the Petition Date, Secured Creditor held a secured claim in the amount of \$ 409,567.77, with pre-petition arrears in the amount of \$41,155.84.

4. On September 13, 2023, the Debtor filed the instant Motion to Sell Property (the "Motion"). The Debtor's Motion seeks the Court's approval to sell the Subject Property for \$800,000.00 (the "Proposed Sale Price").
5. The estimated payoff of Secured Creditor's lien is \$407,515.13 as of September 30, 2023. Secured Creditor will provide an updated payoff at or near the scheduled closing of the sale.
6. Secured Creditor does not object to the Debtor's Motion to the extent that any sale is subject to Secured Creditor's lien remaining attached to subject property until paid in full based upon an up to date payoff quote.
7. Furthermore, Secured Creditor requests the Order contain a provision stating failure to complete any sale within 90-days of entry of this Order will result in the Order authorizing the sale to be deemed moot.
8. Secured Creditor reserves the right to supplement this response at or prior to any hearing on this matter.

**WHEREFORE,** Secured Creditor respectfully requests entry of an order in compliance with the above conditions and for such other and further relief as the Court deems just and proper.

Dated: September 19, 2023

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**CERTIFICATION OF SERVICE**

1. I, Kenneth J. Borger, Esq., represent Secured Creditor in this matter.
2. On September 19, 2023, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below. Limited Response to Debtor's Motion to Sell Property Free and Clear of Liens under Section 363(f)
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

**Robertson, Anschutz, Schneid,  
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Attorneys for Secured Creditor

By: /s/ Kenneth J. Borger  
NJ Bar ID: 171092015  
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Name and Address of Party Served	Relationship of Party to Case	Mode of Service
Salvatore L Salzarulo 78 Vail Lane Watchung, NJ 07069	Debtor	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
Robert C. Nisenson Robert C. Nisenson, LLC 10 Auer Court Suite E East Brunswick, NJ 08816	Debtor's Attorney	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	US Trustee	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)

\* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.